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10/751,119	01/05/2004	Nizar Youssef Mehio	3117-101	1373

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EXAMINER

EDEL, JOHN B

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/751,119	MEHIO, NIZAR YOUSSEF	
	Examiner	Art Unit	
	John B. Edel	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-46 is/are pending in the application.
- 4a) Of the above claim(s), is/are withdrawn from consideration.
- 5) ☐ Claim(s) is/are allowed.
- 6) ☒ Claim(s) 24-46 is/are rejected.
- 7) ☐ Claim(s) is/are objected to.
- 8) ☐ Claim(s) are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u> </u> |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u> </u> | 6) <input type="checkbox"/> Other: <u> </u> |

DETAILED ACTION

Drawings

(1)

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the current drawings are not susceptible to satisfactory reproduction. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

(2)

The disclosure is objected to because of the following informalities: The detailed description of the drawings should be organized according to the figures being referenced for ease of understanding.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(3)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 722,405 to B. Ganim ("Ganim").

Regarding Claim 24: Ganim discloses a modular hookah comprising:

a base (A in figure 1), dimensioned to contain a substantial amount of fluid, with a threaded upper end (see threading at B6 of Figure 2 which would attach to threads on base not shown in Figure 1) for receiving dry smoke; and a stem (D and F in figure 2), having a threaded lower end (B6 of Figure 2) configured to mate with said threaded upper end of said base (see threading at B6 of Figure 2 which would attach to threads on base not shown in Figure 1) defining a dry smoke aperture (H in Figure 1) oriented to conduct dry smoke into said base and a wet smoke aperture (annular area designated B3 in figure 4) oriented to accept wet smoke from said base.

Claim Rejections - 35 USC § 103

(4)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 25-29, 31-33, 36-37, and 40-46 rejected under 35 U.S.C. 103(a) as being unpatentable over Ganim in view of United States Patent No. 3,872,872 to Richard Kahler ("Kahler").

Obvious to thread Base: Ganim does not expressly disclose that the base is threaded. Ganim does disclose that the stem is threaded (B6 in figure 2), and that the stem is connected to the base. It would obvious to both provide a threaded connection to the base and to connect the stem to the base using the threaded connections because one having ordinary skill in the art would recognize that threaded connectors are preferred for connecting to other threaded connectors.

Regarding Claim 25: Ganim discloses all of the elements listed above in the treatment of claim 24. Ganim does not expressly disclose:

The threaded upper end of said base comprising internal threading, and said threaded lower end of said stem comprises external threading.

Kahler discloses screw threads as being well known (col. 4 lines 12-15) Kahler and Ganim are analogous because they are both from the art which contain smoking pipes known as hookahs. It would be obvious to use screw threads, taught as well known in Kahler, to give the upper part of the base internal threading and give the lower part of the stem external threading. The motivation for doing so is that Ganim discloses

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detachable parts as being favorable for cleaning and other purposes (Ganim col.2 lines 52-60).

Regarding Claim 26: Ganim additionally discloses that the stem is unitary (F and D of figure 2).

Regarding Claim 27: Ganim additionally discloses:

a stem comprising and intermediate tube (F in figure 2) defining said dry smoke aperture (the space within F in figure 2),

a plenum¹ (the enclosure created by D in figure 2) further defining said dry smoke aperture (H in figure 2) and defining said wet smoke aperture (B3 in figure 4 indicating the annular space through which the wet smoke would pass), the upper end of the plenum being able to removably fasten to the lower end of the intermediate tube (threading at D3 in figure 2).

a down tube further defining said dry smoke aperture (H in figure 2) said down tube having an upper end adapted to removably fasten to said plenum (threads at H1 in figure 2).

Obvious to further segment parts: Ganim discloses a stem (D and F in figure 2) having an intermediate tube (F in figure 2). Ganim does not disclose that individual parts may be further segmented or that further segmentations may be joined by threaded connections. Ganim discloses that making parts detachable is helpful for cleaning and duplication (Col. 2 lines 52-60). Kahler discloses that conventional screw threads are well known in the art (col. 4 lines 12-15). It would be obvious to further segment the components parts of Ganim using threaded connections for rejoining the parts (releasable attachment) because doing so would allow easier cleaning of the Ganim

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hookah and threaded connections are a well known method of making such connections.

Regarding Claims 28-29: It would be obvious to further segment the intermediate tube (F in figure 2) of Ganim into additional pieces (See “obvious to further segment parts” above). The uppermost piece being an intermediate tube upper cap² and the lowermost piece being the intermediate tube lower cap. Having these components in releasable attachment with each other is also obvious (See “obvious to further segment parts” above).

Regarding Claim 31: Ganim discloses additionally discloses:

said intermediate tube is adapted to threadably fasten to said plenum (threads at D3 in figure 2) and

said plenum is adapted to threadably fasten with both

said down tube (threads at H1 in figure 2) and

said base (threads at B6 of figure 2).

Regarding Claim 32: Ganim further discloses a burner adapted to removably fasten to said intermediate tube (P in figure 1).

Regarding Claim 33: Ganim does not disclose the burner may be threadably fastened to the intermediate tube. Kahler discloses that screw threading is a well known means of attachment. It would have been obvious to one having ordinary skill in

¹ Plenum is read broadly to include any space completely filled with matter (as opposed to a vacuum). For the purposes of applying Ganim to the claims the plenum will be interpreted as element B, all of the area encompassed by element B and the central lower part of F which mates with H.

² A “cap” may be broadly defined as a cover or protection especially for a tip, knob, or end.

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the art to use screw threads as a method of attaching the burner to the intermediate tube rather than just slipping on the burner because Kahler recognizes these methods of attaching as well known substitutes (Ganim col.2 ln. 52-60).

Regarding Claim 36: Ganim discloses:

A burner (P in figure 1),

A threaded intermediate tube (F in figure 2) releasably attached in gaseous communication with said burner (see attachment in figure 1),

a threaded plenum (D in figure 2 and all the space within D), releasably attached in gaseous communication with said threaded intermediate tube (see attachment in figure 1),

defining a wet smoke aperture (B3 in figure 4 indicating the annular space through which the wet smoke would pass) for releasing wetted smoke to a user and

further having a down tube (H in figure 1) for releasing dry smoke; and
a threaded base (see obvious to thread base above), releasably attached in gaseous communication with said plenum,

dimensioned to contain a substantial amount of fluid for receiving and wetting dry smoke (A in figure 1).

Ganim does not disclose the burner being threaded. Kahler discloses screw threads as being a well known means of attachment. It would have been obvious to one having ordinary skill in the art to substitute the slip on fitting of Ganim with the screw on fitting of Kahler because such fittings are recognized as equivalents (Ganim col.2 ln. 52-60).

Regarding Claim 37: Ganim discloses a down tube (H in figure 1) that is threaded and in gaseous communication with the plenum. The down tube is also releasably attached to the plenum (threading at H1 in figure 2)(also see footnote 1).

Regarding Claim 40: Ganim additionally discloses:

a base with a threaded connection for receiving dry smoke and dimensioned to contain a substantial amount of fluid (A in figure 1); and
dry smoke conducting means (plenum as described above), in gaseous communication with said base, with a
threaded connection for releasable attachment to said base (see "Obvious to thread base" above); and
wet smoke conducting means (plenum as described above),
in gaseous communication with said base, for accepting and conducting wet smoke from said base.

Regarding Claim 41: Ganim discloses a separable down tube with a threaded connection.

Regarding claim 42: Ganim discloses that the dry smoke conducting means comprises:

an intermediate tube with a threaded connection (F in figure 2); and
a threaded plenum releasably attached in gaseous communication with said intermediate tube (threading at H1 in figure 2),
having a down tube (H in figure 1) for releasing dry smoke into said base;

Regarding Claim 43: Ganim discloses the dry smoke means (plenum described above) further comprising a separable down tube (H in figure 1) with a threaded connection (H1 in figure 1 described above) adapted to releasably attach said separable down tube to said threaded plenum.

Regarding Claim 44: Ganim further discloses a pressure stabilizing means in gaseous communication with the base (In figure 1 the air passage that runs through H, B, F, and P)

Regarding Claim 45: Ganim further discloses a cover means (component B in figure 2) which houses a substantial portion of said dry smoke conducting means.

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Regarding Claim 46: Ganim discloses a method for preparing a hookah for smoking (Col. 1 lines 8-17), said method comprising the steps of inserting a stem with a threaded connection (threads at B6 in figure 2) into a base with a threaded connection (see "obvious to thread base" above) and screwing said stem with a threaded connection into said base with a threaded connection (see "obvious to thread base" above).

Therefore it would have been obvious to combine Ganim with Kahler to obtain the invention as specified in claims 25-29, 31-33, 36-37, and 40-46.

(5)

Regarding Claim 30: Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ganim and Kahler as applied to claim 29 above, and further in view of United States Patent No. 1,579,703 to A. D. Grant ("Grant"). Ganim does not expressly disclose a tube cover³ capable of housing the intermediate tube. Grant discloses carrying components of a liquid contacting pipe in a bag and that such carrying is desirable (Col. 1 lines 18-25). It would be obvious to put the intermediate tube of Ganim into a bag because doing so would aid in carrying the components of the pipe. Grant and Ganim are analogous art because they are both from the art containing pipes which contact smoke with water. Therefore, it would be obvious to combine Grant with Ganim and Kahler to obtain the invention specified in claim 30.

(6)

Pressure Relief valve: Ganim does not disclose a pressure release aperture obstructed by a pressure relief valve on hookah, or the threading of that pressure relief valve. United States Patent No. 3,451,785 to R. G. Rohlfing et al. ("Rohlfing") describes

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the use of pressure relief valves (col. 1 lines 30-37) to protect vessels from overpressure as “well known.” Kahler describes screw threads as a well known means of connection (col. 4 lines 12-15) It would be obvious to provide a pressure relief valve obstructing a pressure release aperture on the stem of the hookah, at the plenum or in other appropriate locations and to use a threaded connection to connect that valve. The motivation for doing so is that a pressure relief valve would reduce the likelihood of an overpressure or underpressure of the vessel and that detachable components favor easy cleaning (Ganim Col. 2 lines 52-60). Rohlfing is analogous art to Ganim because it is pertinent to the problem of unsatisfactory pressure within the hookah.

Regarding Claims 34-35: Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganim and Kahler as applied to claim 24 above, and further in view of Rohlfing. For the reasons stated above in the section entitled “Pressure Release Valve” it would have been obvious to a person having ordinary skill in the art to include a pressure release aperture obstructed by pressure release valve as described in Rohlfing in the stem of the hookah set out in Ganim and Kahler to obtain the invention as specified in claims 34 and 35.

Regarding Claim 38: Claims 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ganim and Kahler as applied to claim 37 above, and further in view of Rohlfing. For the reasons stated above in the section entitled “Pressure Release Valve” it would have been obvious to a person having ordinary skill in the art to include a pressure release aperture obstructed by pressure release valve as described in

³ “Cover” may be broadly defined as something that may be placed over or upon, as for protection,

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Rohlfing in the plenum of the hookah set out in Ganim and Kahler to obtain the invention as specified in claim 34 and 35.

Regarding Claim 39: Claims 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ganim and Kahler as applied to claim 34 above, and further in view of Rohlfing. For the reasons stated above in the section entitled "Pressure Release Valve" it would have been obvious to a person having ordinary skill in the art to include a pressure release aperture obstructed by pressure release valve as described in Rohlfing in the plenum of the hookah set out in Ganim and Kahler to obtain the invention as specified in claim 34 and 35.

(7)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Edel whose telephone number is (571) 272-4804. The examiner can normally be reached on 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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